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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,343	03/27/2001	Tomoyuki Ohno	862.C2163	8906
5514	7590	05/06/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/817,343	OHNO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bob Chevalier	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 March 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 7-9, 17 and 19-28 is/are allowed.  
 6) Claim(s) 1, 3, 6, 10, 15, 16 and 18 is/are rejected.  
 7) Claim(s) 2, 4, 5 and 11-14 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 112***

1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, claim 3 recites the limitation of "said acquisition means and determination means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It appears that the claim should be depended on claim 2 instead of claim 1. Clarification is requested.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 10, 15-16, 18, are rejected under 35 U.S.C. 102(e) as being anticipated by Goldschmidt Iki et al.

Goldschmidt Iki et al discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 1, and 16, including the feature of generating means for receiving a digital broadcast and generating data stream from a digital broadcast signal having a desired modulation frequency (See the capability of receiving and generating digital broadcast video data in the receiving apparatus as shown in

Goldschmidt Iki et al's Figure 1, components 141, 110, 122, 124, for example); the feature of inputting a data stream based on a digital broadcast from an external digital broadcast receiving apparatus (See the capability of alternately receiving and generating digital broadcast video data in the receiving apparatus as shown in Goldschmidt Iki et al's Figure 1, components 142, 110, 122, for example); the feature of playing back a content of a channel contained one of the data streams obtained by said generating means and input means (See the capability of displaying the received digital video data on the display means as shown in Goldschmidt Iki et al's Figure 1, component 121); and the feature of storing a content of a channel contained in the data stream other than the data stream to be played back by said playback means in a data storage medium as specified in the present claims 1, and 16. (See the capability of storing the received digital broadcast data in the storage means as shown by Goldschmidt Iki et al's Figure 1, component 122, for example).

With regard to claims 6, 15, the feature of the input means including the network connection or bus connection to the external digital broadcast receiving apparatus as specified thereof is present in the cited reference of Goldschmidt Iki et al. (See Goldschmidt Iki et al's Figure 1, components 141-144, 110).

With regard to claims 10, 18, the feature of the plurality of digital broadcast receiving apparatuses as specified thereof is present in the cited reference of Goldschmidt Iki et al. (See Goldschmidt Iki et al's Figure 1, components 121-126)

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4. Claims 2, 4-5, 11-14, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 7-9, 17, 19-28, contain allowable subject matter over the prior art of record.

6. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a digital broadcast receiving apparatus. The independent claims identify the feature of "notification means for notifying information channel that can be received in accordance with request from an external digital broadcast receiving apparatus; control means for controlling said generating means in accordance with a request from the external digital broadcast receiving apparatus so as to generate data stream from a digital broadcast signal having a modulation frequency containing a designated channel; output means for outputting the data stream containing the designated channel, generated by said generating means, to the external digital broadcast receiving apparatus". The closest prior art, Goldschmidt Iki et al discloses a digital broadcast receiving apparatus, either singularly or in combination fails to identify or render the above underlined limitations obvious.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hiroya et al (EP 0776127 A2) discloses a video data transmitting and receiving apparatus.

Naotumi et al (EP 0782332 A2) discloses a digital signal processing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
May 1, 2005.

*Robert Chevalier*  
ROBERT CHEVALIER  
PRIMARY EXAMINER